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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,130	09/01/2000	Imam Emami	454313-3156	8158
20999	7590	11/28/2005		
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER MAYES, DIONNE WALLS	
			ART UNIT	PAPER NUMBER
			1731	
DATE MAILED: 11/28/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/582,130

Applicant(s)

EMAMI, IMAM

Examiner

Dionne Walls Mayes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32 is/are rejected.
- 7) ☒ Claim(s) 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 24, 2005 has been entered.

Objections to the Claims

2. Claim 22 is objected to because of the following informalities: This claim has not been addressed in the current claim set. It is believed that Applicant intended to include this claim among those that are cancelled. Therefore, claim 22 will not be further considered on the merits. Appropriate correction is requested.

Claim Rejections - 35 USC § 103

3. Claims 23-32 are rejected under 35 U.S.C. 103(a) as being obvious over FR 2564296 in view of Greaves et al (US. Pat. No. 6,855,349).

FR 2564296 discloses a cigarette filter, and a process for preparing same, wherein the cigarette filter is impregnated with essential oil of rosemary (see English abstract). While the FR 2564296 reference may not specifically disclose that this oil is an "extract" of rosemary, Greaves et al teaches that an oil, rich in polyphenols, can be isolated from the rosemary plant by "extraction" with an organic, alcohol-based solvent (see entire document, specifically col. 2, lines 55-60), which would, thus, render the

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claimed "extract of a plant" having the claimed polyphenolic content. It would have been obvious to one having ordinary skill in the art at the time of the invention to have isolated oil from the rosemary plant by the Greaves extraction process in order to receive the anti-oxidant-filled substance for inclusion into the filter of FR 2564296, which would obviously further assist in the reduction of harmful components of cigarette smoke, consistent with the teaching of FR 2564296.

Regarding claims 30-31, it would have been obvious to one having ordinary skill in the art at the time of the invention to have provided the claimed amount of polyphenol to the filter, after routine experimentation, in order to arrive at the optimal amount to produce the desired effects of the oils.

4. Claims 23-24, 26-28, and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over FR 2564296 in view of Daher et al (US. Pat. No. 4,738,857).

FR 2564296 discloses a cigarette filter, and a process for preparing same, wherein the cigarette filter is impregnated with essential oil of rosemary (see English abstract). While the FR 2564296 reference may not specifically disclose that this oil is an "extract" of rosemary, according to at least one entry on www.dictionary.com, an "extract" can merely be that which is withdrawn by physical or chemical process. Therefore, the essential oil of FR 2564296 qualifies, in the Examiner's opinion, as an "extract of a plant", as claimed. Further, since Daher et al discloses that, typically, essential oils are isolated from plants by physical processes, particularly steam distillation (col.4, lines 6-10), it would have been obvious to one having ordinary skill in the art at the time of the invention to have produced the essential oils of FR 2564296 in

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this manner, since the processing of plants to provide these oils in the this manner is conventional. Lastly, while the essential oil extract-laden cigarette filter of FR 2564296 modified by Daher et al may not specifically disclose that its oil extract comprises polyphenol compounds, this is inherently deemed to be the case since conventionally produced rosemary oil has, as a dominant constituent, rosmarinic acid. (see Nicola (US. Pat. No. 6,455,087) – col. 5, lines 49-51).

Regarding claims 30-31, it would have been obvious to one having ordinary skill in the art at the time of the invention to have provided the claimed amount of polyphenol to the filter, after routine experimentation, in order to arrive at the optimal amount to produce the desired effects of the oils.

Response to Arguments

5. Applicant's arguments filed August 24, 2005 have been fully considered but they are, in part, rendered moot based on the new grounds for rejection. Those arguments that still remain, the Examiner believes, have been fully addressed in the above paragraph.

Conclusion

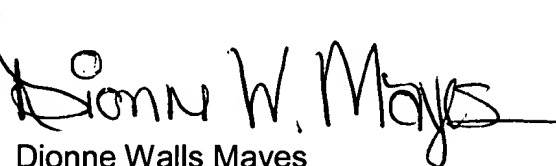
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne Walls Mayes whose telephone number is (571) 272-1195. The examiner can normally be reached on Mon-Fri, 7AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P. Griffin can be reached on (571) 272-1189. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Dionne W. Mayes", with a long horizontal flourish extending to the right.

Dionne Walls Mayes
Primary Examiner
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November 21, 2005